

REMARKS/ARGUMENTS

Applicants thank the Examiner for his careful review of this application. Claims 2, 11, and 20 have been amended. Claims 2-28 remain pending. Applicants respectfully request reconsideration of the application in view of the above amendment and the following remarks submitted in support thereof.

Rejections under 35 U.S.C. §102:

The Examiner rejected claims 2-9, 11-18, and 20-27 under 35 U.S.C. §102(e), as being anticipated by US Patent No. 5,731,991 to Kinra et al. (Kinra). The rejection is respectfully traversed. The teachings of Kinra do not show the currently claimed invention of independent claim 2. The claimed invention defines a method for analyzing the data to determine whether the program is compatible with the underlying platform on which the program is executed on. A non-conformance warning is provided if the program is incompatible with the underlying platform.

In contrast, Kinra teaches a method to evaluate various software products based on a plurality of predefined criteria which may correspond to technical, business and pricing considerations. (column 1, lines 51-53). According to Kinra, a criteria scorer retrieves the product data, the environment data, and the criterion data from their respective memories. Using the retrieved data and weighting values, criteria scorer generates criterion scores for each software product on the basis of the criteria. Kinra obtains multiple values from various memories to evaluate similar products against the required criteria. Kinra provides a selection procedure based on various criteria. Based on a required criteria the product is

provided a score. The weighted numerical values are summed to produce a raw criterion score. This raw criterion score is divided by the sum of the associated criterion weighting values to produce a normalized criterion score (Column 4, lines 39-44). Normalized criterion score acts as a yardstick to decide on a product.

To establish a *prima facie* case of obviousness, the prior art reference must teach or suggest all the claim limitations (see MPEP2143). As can be seen from above, Kimra does not teach all the features of the amended independent claims 2, 11, and 20 of the claimed invention. Since dependent claims 3-9, 12-18, and 21-27 depend directly or indirectly from independent claims 2, 11, and 2, Applicants submit that the dependent claims are patentable under 35 U.S.C. §102(e) for the reasons set forth above. Therefore, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §102(e) rejection of claims 2-9, 11-18, 20-27.

Rejections under 35 U.S.C. §103:

Claims 10, 19, and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kimra as applied in claims 2, 11, 20 in view of Lerner USPN 5,526,257. Lerner does nothing to cure any of the deficiencies raised above, therefore, Applicants respectfully request that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of claims 2, 11 and 20.

Conclusion

If the Examiner has any questions, the Examiner is requested to contact the undersigned at (408) 774-6926. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP55C2). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,

U.S. Application No. 09/848,951
Amdt. dated September 6, 2005
Reply to Office Action of May 4, 2005

MARTINE & PENILLA, L.L.P.

A handwritten signature in cursive script that reads "Jaya Nair". The signature is written in black ink and is positioned above the printed name and title.

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